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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

FREMONT BANK, a California state-  
chartered bank,

Plaintiff,

v.

ROBERT J. SIGNORELLI, individually and  
as Trustee of the SIGNORELLI FAMILY  
LIVING TRUST, dated April 8, 1994,  
amended February 28, 2001, November 22,  
2005, and January 5, 2015; KATHRYN R.  
SIGNORELLI, Trustee of the SIGNORELLI  
FAMILY LIVING TRUST April 8, 1994,  
amended February 28, 2001, November 22,  
2005, and January 5, 2015; and SIGNORELLI  
FAMILY, L.P., a Texas limited partnership,

Defendants.

Case No. 18-cv-04808-HSG

**MEMORANDUM OF POINTS AND  
AUTHORITIES IN OPPOSITION TO  
MOTION FOR AN ORDER CHARGING  
JUDGMENT DEBTOR SIGNORELLI  
FAMILY, L.P.'S PARTNERSHIP  
INTERESTS IN PINE BROOK CAPITAL  
PARNTERS II, L.P. AND PBCP FEEDER,  
L.P.**

1 Defendants ROBERT J. SIGNORELLI, individually and as Trustee of the SIGNORELLI  
2 FAMILY LIVING TRUST, dated April 8, 1994, amended February 28, 2001, November 22, 2005,  
3 and January 5, 2015 (the “Family Trust”); KATHRYN R. SIGNORELLI, Trustee of the Family  
4 Trust and SIGNORELLI FAMILY, L.P. (the “Family L.P.”) hereby submit this memorandum of  
5 points and authorities in opposition to the motion of Fremont Bank for an order charging the  
6 Family L.P.’s partnership interests in Pine Brook Capital Partners II, L.P., a Delaware limited  
7 partnership (“Pine Brook II L.P.”) and PBCP Feeder, L.P. (“Feeder L.P.”), collectively “Pine  
8 Brook”).

### 9 **ARGUMENT**

#### 10 **I. The Family L.P.’s interests are exempt from charging.**

11 Property is exempt from collection “to the extent necessary for the support of the judgment  
12 debtor and the spouse and dependents of the judgment debtor.” Cal. Civ. Proc. Code § 704.225.  
13 The proposed Charging Order would leave the Signorellis without sufficient income to support  
14 themselves.

15 To determine what is “necessary for support” of a judgment debtor’s family, courts  
16 consider all income available to the judgment debtor and his family. *See* Cal. Code Civ. Proc. §  
17 703.115 (“[T]he court shall take into account all property of the judgment debtor and, to the extent  
18 the judgment debtor has a spouse and dependents or family, all property of such spouse and  
19 dependents or family, including community property and separate property of the spouse, whether  
20 or not such property is subject to enforcement of the money judgment.”). That income is  
21 compared to expenses provided by the debtor in a financial statement. *See Construction Laborers*  
22 *Trust Funds for S. Cal. Admin. Co. v. Dominguez*, 2017 WL 5633031, at \*9 (C.D. Cal. Nov. 21,  
23 2017). Courts should ensure that the judgment debtor “retain[s] enough money to maintain a basic  
24 standard of living, so that the debtor may have a fair chance to remain a productive member of the  
25 community.” *Barnhill v. Robert Saunders & Co.*, 177 Cal. Rptr. 803, 806 (Ct. App. 1981).

26 As described in the accompanying Declaration of Robert J. Signorelli (“Signorelli  
27 Declaration”), aside from the interests Fremont Bank seeks to charge, the Signorellis have a  
28

1 combined annual income of \$65,280 and nondiscretionary expenses of \$164,520, resulting in an  
2 annual shortfall of \$99,240. (Signorelli Dec. ¶¶ 6, 7.)

3 The Signorellis supplement their income with distributions from Pine Brook. Pine Brook  
4 distributes income infrequently, but roughly average \$200,000 per year. (Signorelli Dec. ¶ 9.)  
5 Without that income, the Signorellis would not be able to cover their annual expenses.

6 In years in which Pine Brook does not distribute sufficient income to compensate for the  
7 Signorellis' expense shortfall, they rely on distributions from Mr. Signorelli's IRA, which  
8 distributions are the subject of a separate Motion for an Assigning Order. The Signorellis are not  
9 opposing that motion, so going forward they will be solely reliant on distribution from Pine Brook  
10 to meet their expenses.

11 Under California law, this Court should reject Fremont Bank's Motion.

12 Dated: January 23, 2023

GLUCK DANIEL ATKINSON LLP

13 /Craig C. Daniel/

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15 Craig C. Daniel  
16 Attorneys for Defendant ROBERT J.  
SIGNORELLI